

A Quick Trip Through the Rules of Evidence

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Case Hypothetical

Paula Harris, age 41, died following injuries received when her house caught fire. At the time of her death, Paula lived with Roger Matthews, 33, in a home Paula owned. Paula and Roger met in 2006 when Paula was married but seeking a divorce from her second husband. Because Roger's job as a truck driver often took Roger out of town for days at a time, after a few months of dating, Paula convinced Roger to quit the job and move in with her. Roger obliged. Paula was well-to-do by Roger's standards and lived the "good life." She had inherited enough money from her parents to pay for her home and live comfortably. Although Paula was a college graduate, her inheritance made it possible for her to live very well without working.

Paula had one son, Jonas, 21, an aspiring musician living in New York. Paula generously supported Jonas with a monthly allowance and traveled to New York every few months to spend time with her son. Roger did not accompany her. Jonas had made it clear to his mother that he did not like Roger and that he suspected Roger was taking advantage of his mother's financial situation. But Jonas and his mother had also disagreed often about Jonas' lifestyle.

At Roger's insistence, Paula bought a recreational vehicle which Roger used when he played cards with friends and camped and fished with a neighbor, Tom Meade. The RV was parked on the property. Occasionally, when Roger and Paula argued, Roger would spend the night in the RV. Over the course of their relationship, the two argued more frequently, which Roger and Tom attributed to Paula's increasing use of drugs and alcohol. Six months before her death Paula went into a residential treatment program for drug and alcohol abuse, but after about two weeks she left the program and resumed her drinking and drug use. Just prior to her entering treatment, Roger sought and received an Order of Protection based upon Paula's violent acts toward him.

On the day before the fire, Roger was painting and varnishing the deck at the rear of the home. While Roger was painting, Paula was drinking. Late in the afternoon, Paula became angry that Roger was not being attentive and went to look for him. When Paula found Roger, she picked up an open can of paint and threw it at him. Roger was livid. He dropped his brush and went to the RV where he cleaned himself up. Roger would later recollect that he spent the remainder of the evening playing video games alone. At around 4:15 a.m., Roger remembers waking up to go to the bathroom. He says that when he looked out the RV window, he saw a bright light near the master bedroom window at the rear of the house. When he went outside to investigate, he found that the rear of the house was in flames.

A neighbor called 911. Members of the police and fire departments and EMTs arrived. Paula was taken to the hospital via ambulance. She was able to communicate and told the EMT that "Roger tried to kill me. Don't let him get away with it." The EMT smelled a strong odor of alcohol on Paula and noted that her eyes looked "crazed." She drew blood which later showed the presence of alcohol (.29 %) and opiates.

The fire department extinguished the fire and the police interviewed several witnesses, including the neighbors. After leaving the scene, the police chief also interviewed Joan Murphy, Paula's best friend, who had learned of the fire and called to provide information. The interview with Joan Murphy was written and signed. In it Joan said that Paula had come to live with her a few weeks earlier because she and Roger were fighting. "Paula said they were fighting, that she was leaving Roger and would never return. I went and picked her up and when she got in the car, she was really mad because Roger was complaining about her drinking and going out. Paula said Roger told her she was going to drink herself to death and that he wasn't going to stand by and watch. Roger was way too possessive and did not like it when Paula got together with the girls."

The police chief also interviewed Roger who said:

I was sleeping in the RV. I got up to go to the bathroom. I saw a light. I realized the house was on fire. I tried to put the fire out but the hose would not reach. I don't know who called you all. We had trouble with the hot tub overheating so you might check the wiring. We had it worked on a while back but it still overheated. It was no big deal that I was sleeping in the RV. I do that when Paula and I argue. Sure, we argued last night but that's not unusual. We argue but we were committed to one another and in it for life.

After the fire crew left, Roger went to the rear of the house, picked up debris and paint supplies, placed them into a large trash bag, dropped the trash at the city dump before going to the hospital. Unbeknownst to Roger, his activities were observed by a neighbor who is willing to testify. Roger returned home in the afternoon and sent Paula's son Jonas an email from Paula's email account telling Jonas that his mom "had been burned and was in the hospital but will be fine in a few days." Around midnight, Jonas arrived at the hospital and found that his mother was in the ICU in critical condition. Jonas checked with the nursing staff and viewed the visitor log and learned that no one had visited Paula. The charge nurse told Jonas that his mother would not likely survive. Jonas went to his mother's side. After a few moments, he noticed that his mother's eyes were opened and that she was gesturing for him to come close. Jonas bent down and heard Paula say, "Roger put me here. Don't let him get away with it."

When Roger went to the hospital the following morning, he found Jonas in Paula's room. According to Jonas, Roger looked startled to see him and said, "Man, I am sorry for this. I didn't mean for anything like this to happen." Jonas began screaming at Roger, but nurses broke up the altercation.

Paula died about three hours later. Based on the contents of her Last Will and Testament and an executed power of attorney, Roger arranged for Paula's body to be cremated. In addition to providing that she wanted to be cremated upon death, Paula's will left her entire estate to Roger. The day following Paula's death, but before opening the estate, Roger withdrew \$225,000 from Paula's separate accounts and deposited the money into an account in his name only. Roger also applied for new titles for Paula's truck, car, and RV. After talking to Paula's friends, and accessing her email, Jonas learned that Roger was involved with another woman at the time of Paula's death.

Jonas sues Roger for wrongful death. The State indicts Roger for first-degree murder.